

Docket No.: 066654-0515

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Reed, John C.
Appl. No. : 09/350,518
Filed : July 09, 1999
Title : A Method for Determining the
Prognosis of Cancer Patients by
Measuring Levels of BAG Expression

Customer No.: 41552
Confirmation No.: 8259

Grp./A.U. : 1643
Examiner: : Sang, Hong

Declaration Pursuant to 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, John C. Reed, declare as follows:

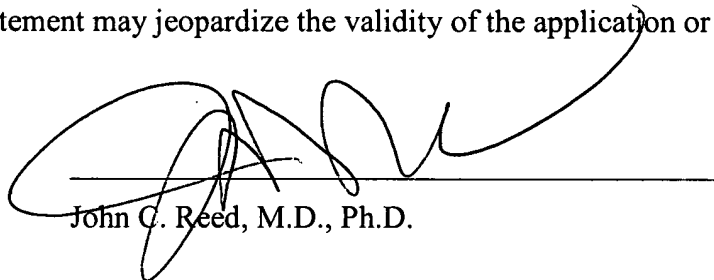
- 1) I am the John C. Reed who is named as the inventor on the above-identified patent application.
- 2) I understand that the claims stand rejected as allegedly anticipated by or obvious over Turner et al., Breast Cancer Res. Treatment 46:69, abstract 276 (1997), alone or in combination with Sano et al., U.S. Patent No. 5,665,539, Sauter et al., Br. J. Cancer 76:494-501 (1997), or Takayama et al., Cancer Res. 58:3116-3131 (1998).
- 3) I am a co-author of Turner et al.
- 4) Turner et al. describes the patient survival difference for nuclear staining of BAG-1 in benign breast epithelium (BBE). No patient survival data were cited for nuclear BAG-1 expression in cancer cells.

5) The patient survival difference of cytosolic staining of BAG-1 cited in Turner et al. for invasive cancer (IC) was not statistically significant ($p = 0.06$). Thus, the Turner et al. abstract failed to show a significant correlation of BAG-1 expression in breast cancer cells with patient survival.

6) In conclusion, I believe that Turner et al. does not show a significant correlation of BAG-1 expression in breast cancer cells with patient survival.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statement may jeopardize the validity of the application or any patent issued thereon.

12/52/06
Date


John C. Reed, M.D., Ph.D.